

REMARKS

Claims 6 to 11 are currently pending.

Reconsideration of the application is respectfully requested based on the preceding amendments and following remarks.

Claims 6 to 11 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Published Patent Application No. 2002/0134607 ("Recknagel") in view of U.S. Patent No. 5,516,448 ("Nishitani").

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

The Final Office Action concedes that the Recknagel reference does not disclose or suggest the claim 6 feature in which "*the analyzer module selects and tracks at least one object in the predetermined detection range by determining an attention range as a function of at least one predetermined parameter,*" and relies on the Nishitani and Rao references as curing this deficiency.

The Nishitani reference refers to an alarm processing circuit which has determination data *stored in advance* to indicate an attention alarm range and an emergency alarm range. Unlike the attention range provided for in claim 6, the Nishitani reference refers to a *fixed value* for a distance/velocity relationship between vehicles. Because this is stored in advance and fixed, its sole purpose is to define a threshold value at which an attention alarm signal is triggered. Therefore an attention alarm range cannot possibly be **determined by an analyzer module as a function of a predetermined parameter**, as provided for in the context of the presently claimed subject matter.

Accordingly, the combination of the Recknagel and Nishitani references does not disclose or suggest the claim 6 feature in which “*the analyzer module selects and tracks at least one object in the predetermined detection range by determining an attention range as a function of at least one predetermined parameter*”, as provided for in the context of claim 6, as presented, therefore claim 6 is allowable.

Claims 7 to 11 depend from claim 6 and are therefore allowable for the same reasons.

Claims 6 to 10 were also rejected under 35 U.S.C. § 103(a) as obvious over the Recknagel reference in view of U.S. Patent No. 6,801,843 (“Rao”).

It is respectfully submitted that the Rao reference also does not cure the above described deficiencies of the Recknagel reference. The Final Office Action cites portions of the Rao reference which describe threshold criteria (i.e., velocity and distance values) for vehicle safety devices. It appears that the Office has misapplied the term “determine” in the context of claim 6. The Rao reference does not determine the threshold criteria. Rather, the Rao reference determines *whether the threshold criteria are met*. Similar to the Nishitani reference, the threshold criteria of the Rao reference are *fixed predetermined* values – not **attention ranges that are determined** by an analyzer module **during vehicle tracking**.

Accordingly, the combination of the Recknagel and Rao references does not disclose or suggest the claim 6 feature in which “*the analyzer module selects and tracks at least one object in the predetermined detection range by determining an attention range as a function of at least one predetermined parameter*”, as provided for in the context of claim 6, as presented, so that claim 6 is allowable.

Claims 7 to 11 depend from claim 6 and are therefore allowable for the same reasons.

Accordingly, claims 6 to 11 are allowable.

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Conclusion

In view of the foregoing, it is respectfully submitted that all of presently pending claims 6 to 11 are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. All issues raised by the Examiner have been addressed, so that an early and favorable action on the merits is respectfully requested.

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Respectfully submitted,

By: _____

Gerard A. Messina
Gerard A. Messina
(Reg. No. 35,952)

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646

Reg. No. 33,865
Arnell
OR 12/11/07